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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,094	02/16/2001	Roger Pellenc	P20520	3219

7055 7590 04/05/2002

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EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 04/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,094

Applicant(s)

PELLENC ET AL.

Examiner

Nathan S Mammen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 26 June 2001 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-32 are rejected under 35 U.S.C. 102(b) as being anticipated by van der Lely (U.S. Patent 4,050,519).

The van der Lely '519 patent discloses a device for soil cultivating machine comprising a rotor (6) and a plurality of tools (25) mounted on the rotor. The at least one tool comprises a fixing end (24), a soil engaging end (26), and connecting portion (at the curve of the tine) which connects the fixing end to the soil engaging portion. The tool is movable mounted to the rotor.

Regarding claims 12-30 : The fixing end of the tool is pivotally mounted to the rotor (about axis b). The soil cultivating machine comprises a weeding machine and hoeing machine (inherent use of soil cultivating machine). The tool is interchangeably mounted to the rotor (see Abstract). The connecting portion is arranged to be inclined relative to a center axis running through the rotor (a). The soil engaging portion (26) extends radially outwards from the fixing end. The fixing end comprises a ring (23) adapted to receive a journal axle (24); the journal axle movably mounting the fixing end to the rotor. The tool comprises a shape which resembles a hook or "L" (see Fig. 2). The soil engaging portion comprises a sharp leading edge (i.e. the rib member on 26 – see Fig. 2) and a curved surface. The soil engaging portion has an inclined portion including first and second lower surfaces, with the first lower surface being arranged

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above the second lower surface when the tool is mounted on the rotor (see the hooked end portion of the tools 26 in Fig. 1). The soil engaging portion comprises a boss portion (in the absence of any definition to the contrary, the boss portion is the portion connecting the soil engaging portion to the connecting portion). The rotor (6) is rotatably mounted to the soil cultivating machine. Each of the plurality of tools (26) is pivotally mounted to the rotor (6). Each of the tools are adapted to pivot between an angle of 0 to 180 degrees (see Fig. 1, pivoting occurs about axis b). Each of the tools is mounted about an axis (c) which is not parallel to the center axis (a) of the rotor. A guide (4) is arranged adjacent the rotor (6). A fixing flange (22) helps retain the at least one tool on the rotor.

Regarding claims 31 and 32: The fixing end of the tools are movably fixed to the rotor (6) via an axle (19). The axle is oriented (by adjusting device 16) at an angle relative to the center axis (a) of the rotor. The fixing portion includes a ring portion (23) movably fixed to the rotor via the axle. A mechanism (21, 22) biases the tools against the rotor.

3. Claims 11-13, 15-26, 30 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2128461 Patent Publication.

The GB '461 patent publication discloses a device for soil cultivating machine comprising a rotor (2) and a plurality of tools (20) mounted on the rotor. The at least one tool comprises a fixing end (7), a soil engaging end (22), and connecting portion (17) which connects the fixing end to the soil engaging portion. The tool is movable mounted to the rotor.

Regarding claims 12, 13-26, 30 : The fixing end of the tool is pivotally mounted to the rotor (about axis b). The soil cultivating machine comprises a harrow machine (See Abstract). The connecting portion (17) is arranged to be inclined relative to a center axis running through

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the rotor (See Fig. 3). The soil engaging portion (22) extends radially outwards from the fixing end. The fixing end comprises a ring (6) adapted to receive a journal axle (7); the journal axle movably mounting the fixing end to the rotor. The tool comprises a shape which resembles a hook or "L" (Fig. 3). The soil engaging portion comprises a sharp leading edge (i.e. the rib member on 20 – see Fig. 3) and a curved surface (22). The soil engaging portion has an inclined portion including first (Fig. 3, examiner's ref A) and second (examiner's ref. B) lower surfaces, with the first lower surface being arranged above the second lower surface when the tool is mounted on the rotor (see the hooked end portion of the tools 26 in Fig. 1). The soil engaging portion comprises a boss portion (19). The rotor is rotatably mounted to the soil cultivating machine (Fig. 1). Each of the plurality of tools is pivotally mounted (8) to the rotor. Each of the tools are adapted to pivot between an angle of 0 to 180 degrees (See Fig. 3). A fixing flange (13) helps retain the at least one tool on the rotor.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

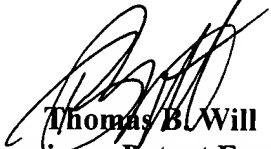
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 305-3579.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
4/2/02

Nathan S. Mammen